

# GENERAL SERVICES DEPARTMENT

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TO: The Honorable Peter Foor  
Presiding Judge, Superior Court  
% Superior Court Executive Office/Clerk of the Court

FROM: Veronica Ferguson, Director *Veronica*  
General Services Department

SUBJ: **RESPONSE TO THE 2003-2004 GRAND JURY FINAL REPORT**

I wish to personally thank the Grand Jury for its constructive comments. The General Services staff and I have reviewed the findings and recommendations stated in the Transportation and Public Buildings - Americans with Disabilities Acts Compliance, Solano County Hall of Justice South Wing Flood Damage, Vallejo Veterans Memorial Building and a portion of Solano County Juvenile Hall Inspection sections of the 2003-2004 Solano County Grand Jury Report that affect General Services. The following information is provided in response to the information contained therein. If additional information or assistance relative to these responses is needed, please let me know.

## **CRIMINAL JUSTICE - Solano County Juvenile Hall Inspection, pp. 22-23.**

**Finding #1 - The ongoing construction has created very poor parking and access to the facility. Inclement weather only exacerbates the problem. (8)**

**Response to Finding #1** – Solano County General Services partially agrees with this finding. Interim parking during construction, by its very nature, will not have the same durability as permanent parking provisions. Interim parking improvements were designed and constructed to maintain an accessible path of travel on hard paving for persons with disabilities. Interim parking in non-paved areas were compacted and overlaid with gravel to provide additional stability and promote water drainage during inclement weather. Preventive maintenance and servicing of the interim parking areas were performed routinely during the course of project construction, General Services' staff responded to issues on a case by case basis when they were communicated to the Department, and appropriate corrective measures were implemented to eliminate areas of erosion and stabilize temporary parking improvements.

**Recommendation #1 - For future projects, temporary parking and walkways should be planned and placed as close as possible to the entrance.**

**Response to Recommendation #1** - This recommendation has not yet been implemented but will be implemented to the maximum extent feasible at the time project improvements are planned and built.

**TRANSPORTATION AND PUBLIC BUILDINGS – Americans with Disabilities Acts Compliance.**  
**Compliance, pp 71-73.**

**Finding #1 – There are several facilities leased by the County that at the present are not in full compliance with the ADA. The Grand Jury notes that County staff is in the process of negotiating with various landlords to bring these properties into full ADA compliance as leases expire. (1)(2)**

**Response to Finding #1 –** Solano County General Services agrees with this finding. Since the transmittal of schedules for the priority of corrective action was forwarded to the Grand Jury on April 30, 2004; we have had a series of meetings with the landlords on May 20, 26 and 27, 2004 to discuss the noncompliant ADA issues in leased space.

**Recommendation #1 – Solano County require landlords to comply with ADA in order to continue to lease to the County. In addition, appropriate County legal authorities and subsequent Grand Juries conduct detailed review of the leasing process and appropriateness of leases. (It is not clear to the Grand Jury why leases for ADA non-compliant property have been negotiated and renegotiated for nearly fifteen years. We believe a six-month to one-year lead-time would be more than adequate to achieve conformity with ADA standards or for the County to find alternate properties.)**

**Response to Recommendation #1 –** The recommendation has been implemented in part. Based on the May 2004 meetings with landlords, some of the landlords have sent the County a letter agreeing to make corrective actions and a schedule for the corrections. The target date for completion of improvements by landlords is October 31, 2004. In addition, General Services, led by the Property Management Division, has initiated a procedure to review each leased location to assess ADA compliance of the facility in relation to the intended program that will occupy the facility prior to finalizing lease terms. As part of the County's due diligence process, for each new lease or lease renewal, we intend that the County's ADA Coordinator, Risk Manager, Property Manager and a member from the Division of Architectural Services or another appropriate group of staff conduct an on-site review of the facility to identify ADA issues. All leases are also reviewed by legal counsel before they are executed. In addition, during lease negotiations, the practice by the County's Property Manager is to incorporate appropriate lease provisions that require the landlord to address compliance issues with the Americans with Disabilities Act prior to lease execution. These terms and conditions were developed in conjunction with legal counsel.

Regarding the leasing of ADA non-compliant space, it should be noted that the Americans with Disabilities Act mandates access to programs and services offered by public agencies, not access to facilities. Therefore, it is feasible to conduct operations in ADA non-compliant facilities if the program or service dispensed from the facility is accessible to persons with disabilities. For example, a countertop used by customers to complete forms may exceed the acceptable height if the public agency provides personal assistance to persons living with disabilities who complete forms. On this basis, since space is leased in facilities that already exist and has improvements that were code-compliant at the time they were permitted for construction (but may not meet current ADA provisions for newly constructed facilities), it is possible that some ADA-related facility deficiencies could be identified and allowed to remain if there are programmatic and reasonable accommodations that can be implemented to provide the required accessibility to programs and services for persons living with disabilities.

**Finding #2 – Mandated signage indicating specific ADA accommodations are precisely set forth in the ADA regulations as to color, dimensions and location. The Grand Jury finds that proper signage is by no means universal in County facilities. This is an especially high priority in the oldest buildings where there is the greatest number of ADA deficiencies. Signage is relatively inexpensive. Officials report that funds have been identified, and that Board of Supervisors' approval will be sought in the near future. These officials stated that the work will be completed by July 2004. (1)(2)**

**Response to Finding #2 –** Solano County Department of General Services partially agrees with this finding. We agree that proper signage is by no means universal in County facilities and that older buildings have the greatest number of ADA deficiencies. Therefore, we have prepared a Signage Project which includes all the deficiencies as noted in the ADA Transition Plan, which addresses the following:

1. Parking spaces designated as reserved for individuals with disabilities.
2. Accessible passenger loading zones.
3. Accessible building entrances
4. Accessible restrooms.

The signage project also specifies the color, size, mounting height and location.

The County anticipated completing the signage project by the end of Fiscal Year 2004/05. At the time of the visit by the Grand Jury on April 29, 2004 to the Downtown Fairfield County campus, signage deficiencies were noted. However, funds were not allocated in the Fiscal Year 2003/04 budget for signage improvements. The Department requested and received funding for the project, which is included in the Fiscal Year 04/05 budget. Design standards for the signage project have been prepared and will be implemented this current fiscal year either by County Facilities Operations or by work performed under contract with the County. This signage program will focus on placing signage in County facilities that will remain after the Government Center Project and New Juvenile Detention Facility are completed since many older County facilities will be vacated in whole or in part in the current fiscal year.

**Recommendation #2 – Solano County Board of Supervisors ensure that this important and very visible component of the ADA be accomplished as promised.**

**Response to Recommendation #2 –** This recommendation has not yet been implemented but will be implemented in the future. The Department of General Services is committed to completing the Signage Project described in Finding #2 in accordance with the funding that has been granted by the Solano County Board of Supervisors for this purpose.

**Finding #3 – Completion of 13 ADA projects costing \$558,065.00 during Year One seems to be a good-faith achievement. Quarterly update meetings which refine timelines, resources, and which assign personal responsibility are good management tools. However, many instances could arise where the presentation of precise documentation, more explicit than was shown to the Grand Jury, may well be needed. (3)(4)**

**Response to Finding #3** – The Department of General Services agrees with this finding and transmitted the updated prioritization of the ADA Transition Plan to the Grand Jury on April 30, 2004. Our intent is to track progress against this updated or list or update the list as necessary if County needs change during the implementation of the Transition Plan.

In the current fiscal year, General Services continues to make modifications to facilities to improve accessibility. For instance, General Services' staff is currently managing a consultant to prepare construction documents for ADA improvements at Lake Solano Park, 8685 Pleasant Valley Road, Winters, CA and at Sandy Beach, 2333 Beach Drive, Rio Vista, CA. If the projects proceed as scheduled, these improvements should be completed within this fiscal year. The third County park facility at Belden's Landing Waterway Access, 3186 Grizzly Island Road, Suisun, CA is in full ADA compliance.

In year two of the Transition Plan, during the second quarter of calendar year 2005, the Solano County Government Center, Probation Building and new Juvenile Detention Facility will be completed and occupied. Various departments that currently occupy downtown buildings and the existing Juvenile Hall which have ADA deficiencies will relocate to these newly completed facilities which have been designed and are being constructed to provide accessibility for persons living with disabilities. In this manner, the need to immediately correct ADA deficiencies in vacated facilities will not be necessary. Presently, there is no firm schedule for renovation of the vacated buildings. Reuse of buildings and accessibility requirements will be addressed during the design and construction of these existing structures prior to re-occupancy.

**Recommendation #3** – The Department of General Services maintain and be prepared to submit to future Grand Juries and other interested parties, quarterly update reports of meetings indicating progress toward achieving the annual goals.

**Response to Recommendation #3** – This recommendation will be implemented. The County's ADA Compliance Committee meets on a quarterly basis to monitor the progress of the ADA Transition Plan. General Services is committed to working with the ADA Compliance Committee to define appropriate roles and responsibilities so that quarterly update reports of meetings indicating progress toward achieving the annual goals are available in the future. We are also committed to tracking progress against the annual goals in the updated Transition Plan by preparing charts that document progress and completion of work efforts.

**TRANSPORTATION AND PUBLIC BUILDINGS - Solano County Hall of Justice, South Wing Flood Damage, pp. 74-76.**

**Finding #1** – Even though a very significant improvements in flood control have been made, a combination of heavy rains, high tides and strong winds, plus other factors could overwhelm the present flood control system that protects the Hall of Justice. (1)(3)(4)

**Response to Finding #1** - Solano County General Services agrees with this finding.

**Recommendation #1** – The County and the City of Fairfield must be aware of the possibility that the drainage systems, upgraded pumps and backup systems may not be adequate to

**control flooding. To prepare for all possibilities, alternative methods to control flooding should continuously be explored and the systems upgraded accordingly.**

**Response to Recommendation #1** - The recommendation has been implemented by the County. General Services Department on an ongoing basis explores alternative methods of controlling flooding in/around the South Wing of the Hall of Justice. The department has entered into an agreement with an independent firm to review the situation and make recommendations for corrective measures. Additionally, the Department is looking at different products and systems designed to prevent water intrusion into the building. These efforts will be ongoing until a suitable and acceptable solution is found.

**Recommendation #1a – A written agreement between Solano County and the City of Fairfield outlining flood control guidelines must be established. These guidelines can only serve to enhance the system while reducing unforeseen problems.**

**Response to Recommendation #1a** – This recommendation will not be implemented because a written agreement pertaining to “flood control responsibilities” between the County and City of Fairfield is not required. The City of Fairfield is the entity solely responsible for the planning, construction and ongoing maintenance of its water and drainage system. The City of Fairfield has exercised control and authority and made repairs to the condition of the canal, as recently as 2002. Solano County has placed the City of Fairfield on notice of the condition of the canal and the threat that failure to adequately maintain and operate the canal presents to flooding and has been advised that corrective action would be undertaken.

**Recommendation #1b – During periods of heavy rains it is recommended that the seated Grand Jury tour the Hall of Justice South Wing to ensure appropriate measures are taken to address any abnormal situations caused by flooding.**

**Response to Recommendation #1b** - Solano County General Services will implement this recommendation and stands ready to assist the Grand Jury with a tour of the Hall of Justice South Wing during a period of heavy rain.

**Finding #2 - The Hall of Justice structure, equipment and materials have been damaged by flooding. (2)**

**Response to Finding #2** – Solano County General Services agrees with this finding.

**Recommendation #2 - Regardless of how infrequently flooding occurs, the County must draft policies and procedures to prevent damage to structures, material and equipment from potential water damage.**

**Response to Recommendation #2** – This recommendation requires further analysis and study. The General Services Department is reviewing its procedures for dealing with the potential threat of flooding in the Hall of Justice. The department is looking at systems designed to prevent water intrusion, has contracted with an independent firm to review the situation and make

recommendations, and is looking at ways to better forecast potential flooding and put in place quicker response procedures to implement the prevention measures.

**Finding #3 - Barricades were found that block entrances to the Hall of Justice which violate City, State and Federal safety codes. (6)**

**Response to Finding #3** - Solano County General Services agrees with this finding.

**Recommendation # 3 – The County should find and institute alternative methods to control flooding that do not violate established safety codes.**

**Response to Recommendation #3** - The recommendation is being implemented. General Services Department is looking at systems designed to prevent water intrusion that are faster and easier to put in place and remove as needed so that barricades and sand bags are not kept in place for extended periods. If these systems and or measures are not fully in place prior to the upcoming rainy season, additional care will be taken to ensure that current practices include removal of barricades and sand bags each day during hours that the facility is open.

**Recommendation #3a – Any method the County uses that entails blockage of exits must accommodate established safety procedures for the disabled.**

**Response to Recommendation #3a** - This recommendation is being implemented. Solano County General Services is committed to finding better means of protecting its building. It is also committed to providing quality service to the public including access to the disabled. Any and all measures necessary to ensure access for the disabled will be taken in the future.

**TRANSPORTATION AND PUBLIC BUILDINGS - Vallejo Veterans Memorial Building, pp. 77-80.**

**Finding #1 – The Superior Court interlocutory judgment of 1998 requires, in essence, that repairs be made to the existing facility or that alternative dedicated facilities be provided for the veterans. No solid headway has been made in six years. (2)(3)(4)(5)(6)(7)(8)**

**Response to Finding #1** – General Services disagrees partially with this finding. The Department believes that some headway has been made.

A judicial determination was made that Solano County has an obligation to provide a dedicated war memorial to the Vallejo Veterans. Since the decision was rendered, Solano County staff has worked in good faith with the Veterans associations and their legal counsel to identify and implement a solution to address the judicial determination. As part of these efforts, General Services undertook an in depth assessment of the ability to modify the existing facility. Estimates to renovate the existing building exceed \$5 million due to the age and condition of the building. No funding resource has been identified to offset these expenses.

In light of the undisputed expense to renovate the existing building, General Services has undertaken an exhaustive search in the Vallejo area to identify potential alternate facilities suitable for use by the veterans as a memorial. General Services has utilized its internal Property Manager as well as

professional realtors for this purpose and has additionally solicited the assistance of the City of Vallejo in locating appropriate properties. On numerous occasions, following identification of a potentially suitable property, representatives from Solano County and the Veterans groups have toured the potential facilities but have subsequently determined the facilities were inadequate or inappropriate for the proposed use. An opportunity to acquire a recent potential property identified by General Services and agreeable to the Veterans groups was also lost due to the intervening acquisition of the property by a third party.

General Services and the Veterans groups continue to work in good faith together to mutually identify an alternative site suitable for use by the Veterans associations as a dedicated war memorial

**Recommendation #1- That all concerned muster their will and Solano County finally adopt a plan which is mutually agreeable to the interested parties, is backed by committed funds and is time-specific to achieve a dedicated Vallejo veteran's facility.**

**Response to Recommendation #1** – The recommendation to adopt a plan which is mutually agreeable to the interested parties and is backed by committed funds will be implemented. The timetable for finding alternative space is dependent upon circumstances that are outside the control of General Services such as the availability/affordability of suitable space and the agreement of another party. We are committed to achieving a dedicated Vallejo veteran's facility and will continue to work diligently towards this recommendation until a mutually acceptable alternative building is identified.

**Finding #2 – The Court judged that the County “can permit the use of such building for other purposes so long as such use does not interfere with the ordinary and accustomed use of such building by the veterans’ associations.” Fiscal benefits, precedents in the existing Memorial Hall and practices in other veterans’ centers support such a policy. (1)(2)(7)(9)**

**Response to Finding #2** – Solano County General Services agrees with the finding of the Grand Jury.

**Recommendation #2 – That “house rules” for a new or refurbished facility provide for multiple use, so long as the veterans’ ordinary and accustomed uses have first priority.**

**Response to Recommendation #2:** This recommendation will be implemented. “House rules” for a new or refurbished facility will be established that provide for multiple use of the facility and give first priority to the veterans’ groups for meetings and other veterans’ related activities.

cc: Michael D. Johnson, County Administrator/Clerk of the Board of Supervisors